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(to be used for all correspondence after initial filing)

Application Number	10/015,855
Filing Date	December 13, 2001
First Named Inventor	John F. Bisceglia
Art Unit	2122
Examiner Name	Mary J. Steelman
Total Number of Pages in This Submission: 30	Attorney Docket Number: AUS920011004US1 (7047-P454US)

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Rspnse to Restriction Requirement
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  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Winstead Sechrest & Minick P.C. Robert A. Voigt, Jr. ; Reg. No. 47,159
Signature	
Date	February 7, 2006

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: John F. Bisceglia	:	Before the Examiner: Steelman, Mary J.
Serial No.: 10/015,855	:	Group Art Unit: 2122
Filed: December 13, 2001	:	
	:	IBM Corporation
Title: A DEVELOPMENT ENVIRONMENT FOR BUILDING SOFTWARE APPLICATIONS THAT MIMIC THE TARGET ENVIRONMENT	:	Intellectual Property Law 11400 Burnet Road Austin, Texas 78758

SECOND APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines, Inc., which is the assignee of the entire right, title and interest in the above-identified patent application.

CERTIFICATION UNDER 37 C.F.R. §1.8

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Signature

Beatrice Zepeda
(Printed name of person certifying)

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-47 are pending in the Application. Claims 1-47 stand rejected. Claims 1-47 are appealed.

IV. STATUS OF AMENDMENTS

Appellant has not submitted any amendments following receipt of the final rejection with a mailing date of May 16, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In one embodiment of the present invention, a method for creating and managing a development environment that mimics a target environment where a software application will be implemented may comprise the step of receiving a first request comprising a description of the development environment and the software application to be developed, where the development environment comprises hardware components and software components. Specification, page 12, line 11 – page 15, line 9; Figure 3, element 301. The method may further comprise reviewing the first request in accordance with control information for managing the first request. Specification, page 15, line 6 – page 19, line 4; Figure 3, element 302. The method may further comprise assigning the first request to one or more developers. Specification, page 19, lines 5-12; Figure 3, element 303. The method may further comprise processing the first request. Specification, page 19, lines 13-23; Figure 3, element 304. The method may further comprise establishing the development

environment upon the processing of the first request. Specification, page 12, line 11 - page 19, line 23; Figure 3, elements 301, 302, 303 and 304. The method may further comprise monitoring the development environment asynchronously for violations of conditions established by the control information. Specification, page 20, line 8 – page 22, line 24; Figure 3, element 305.

In another embodiment of the present invention, a computer program product embodied in a machine readable medium for creating and managing a development environment that mimics a target environment where a software application will be implemented comprises the programming step of receiving a first request comprising a description of the development environment and the software application to be developed, where the development environment comprises hardware components and software components, where the first request is reviewed in accordance with control information for managing the first request, where the first request is processed, where upon processing the first request the development environment is established. Specification, page 9, line 25 – page 11, line 8; Specification, page 12, line 11 - page 19, line 23; Figure 2, elements 220 and 250; Figure 3, elements 301, 302, 303 and 304. The computer program product may further comprise the programming step of monitoring the development environment asynchronously for violations of conditions established by the control information. Specification, page 9, line 25 – page 11, line 8; Specification, page 20, line 8 – page 22, line 24; Figure 2, elements 220 and 250; Figure 3, element 305.

In another embodiment of the present invention, a system comprises a memory unit operable for storing a computer program operable for creating and managing the development environment that mimics the target environment where the software application will be implemented. Specification, page 9, line 25 – page 11, line 8; Figure 2, elements 130, 214, 220 and 250. The system may further

comprise a processor coupled to the memory unit, where the processor, responsive to the computer program, comprises circuitry operable for receiving a first request comprising a description of a development environment and a software application to be developed in a target environment, where the development environment comprises hardware components and software components, where the first request is reviewed in accordance with control information for managing the first request, where the first request is processed, where upon processing the first request the development environment is established. Specification, page 9, line 25 – page 11, line 8; Specification, page 12, line 11 - page 19, line 23; Figure 2, elements 210, 220 and 250; Figure 3, elements 301, 302, 303 and 304. The processor, responsive to the computer program, may further comprise circuitry for monitoring the development environment asynchronously for violations of conditions established by the control information. Specification, page 9, line 25 – page 11, line 8; Specification, page 20, line 8 – page 22, line 24; Figure 2, elements 210, 220 and 250; Figure 3, element 305.

In another embodiment of the present invention, a system comprises means for receiving a first request comprising a description of a development environment and a software application to be developed in a target environment, where the development environment comprises hardware components and software components, where the first request is reviewed in accordance with control information for managing the first request, where the first request is processed, where upon processing the first request the development environment is established. Specification, page 9, line 25 – page 11, line 8; Specification, page 12, line 11 - page 19, line 23; Figure 2, elements 210, 220 and 250; Figure 3, elements 301, 302, 303 and 304. The system may further comprise means for monitoring the development environment asynchronously for violations of conditions established by the control information. Specification, page 9, line 25 – page 11, line 8; Specification, page 20, line 8 – page 22, line 24; Figure 2, elements 210, 220 and 250; Figure 3, element 305.

In another embodiment of the present invention, the system as described in the previous paragraph may further comprise means for identifying a violation of a condition. Specification, page 9, line 25 – page 11, line 8; Specification, page 20, line 7 – page 22, line 24; Figure 2, elements 210, 220 and 250; Figure 3, element 305. The system may further comprise means for notifying a developer of the violated condition. Specification, page 9, line 25 – page 11, line 8; Specification, page 22, line 25 – page 23, line 10; Figure 2, elements 210, 220 and 250; Figure 3, element 306.

In another embodiment of the present invention, the system as described in the previous paragraph may comprise means for inserting information of the violation of the condition in a report. Specification, page 9, line 25 – page 11, line 8; Specification, page 23, lines 11-28; Figure 2, elements 210, 220 and 250; Figure 3, element 307. The system may further comprise means for issuing the report to a customer. Specification, page 9, line 25 – page 11, line 8; Specification, page 23, lines 11-28; Figure 2, elements 210, 220 and 250; Figure 3, element 307.

In another embodiment of the present invention, the system as described in the third paragraph above may further comprise means for inserting information on a status of the development environment in a report. Specification, page 9, line 25 – page 11, line 8; Specification, page 23, lines 11-28; Figure 2, elements 210, 220 and 250; Figure 3, element 307. The system may further comprise means for issuing the report to a customer. Specification, page 9, line 25 – page 11, line 8; Specification, page 23, lines 11-28; Figure 2, elements 210, 220 and 250; Figure 3, element 307.

In another embodiment of the present invention, the system as described in the fourth paragraph above may further comprise means for receiving a second request, where the second request comprises a request to implement a change in the development environment. Specification, page 9, line 25 – page 11, line 8;

Specification, page 12, line 11 – page 15, line 9; Figure 2, elements 210, 220 and 250; Figure 3, element 301.

In another embodiment of the present invention, the system as described in the fifth paragraph above may further comprise means for receiving a second request, where the second request comprises a request to correct a problem detected in the development environment. Specification, page 9, line 25 – page 11, line 8; Specification, page 12, line 11 – page 15, line 9; Figure 2, elements 210, 220 and 250; Figure 3, element 301.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-47 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bowman-Amuah (U.S. Patent No. 6,405,364) (hereinafter "Bowman").

VII. ARGUMENT

A. Claims 1-47 are improperly rejected under 35 U.S.C. §102(b) as being anticipated by Bowman.

The Examiner has rejected claims 1-47 under 35 U.S.C. § 102(b) as being anticipated by Bowman. Paper No. 8, page 2. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. Claims 1, 15, 26 and 37 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 2, lines 30-43 and column 3, lines 39-60 of Bowman as disclosing the above-cited claim limitation. Paper No. 8,

pages 2-3. Appellant respectfully traverses and asserts that Bowman instead discloses specifying the requirements of the system to be built and the implementation strategy to fulfill the requirements using various software tools. Column 2, lines 30-43. Bowman further discloses the hardware configuration of a workstation. Column 3, lines 39-60. Hence, Bowman discloses a hardware configuration of a workstation and further discloses specifying the requirements of a system to be built as well as an implementation strategy to fulfill the requirements. There is no language in the cited passages that discloses receiving a request comprising a description of a development environment and a software application to be developed. Neither is there any language in the cited passages that discloses receiving a request comprising a description of a development environment and a software application to be developed, where the development environment comprises hardware components and software components. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

Appellant further asserts that Bowman does not disclose "reviewing said first request in accordance with control information for managing said first request" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 13, line 60 and column 26, lines 6-8 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 3. Appellant respectfully traverses and asserts that Bowman instead discloses that the project management team is responsible for planning and control of delivery. Column 13, lines 58-61. Bowman further discloses that the project management processes follow a cycle of planning the project's execution, organizing its resources and controlling its work. Column 26, lines 6-8. Hence, Bowman discloses that the project management team is responsible for planning and control of delivery. Further, Bowman discloses that the project management team plans the project's execution, organizes its resources and controls its work. There is no language in the cited passages that discloses reviewing the

request that comprises a description of the development environment and the software application to be developed where the development environment comprises hardware components and software components. Neither is there any language in the cited passages that discloses reviewing such a request in accordance with control information for managing the request. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

Appellant further asserts that Bowman does not disclose "assigning said first request to one or more developers" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 21, line 65 and column 49, lines 6-10 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 3. Appellant respectfully traverses and asserts that Bowman instead discloses that while scratch folders may be useful in certain contexts, the proliferation of miscellaneous folders with cryptic names can make it very difficult to navigate the information. Column 21, lines 58-60. Bowman further discloses that some useful guides include: clearly assign ownership for the contents of each folder. Column 21, lines 60-65. Bowman further discloses that workflow management tools address the problem (when processes become complex and require the participation of multiple groups, simple integration techniques are not adequate for managing the process flow) by providing the ability to define, manage, and execute automated business processes through an electronic representation of the process, both in terms of what has to be done, and by whom. Column 49, lines 4-10. There is no language in the cited passages that discloses assigning the request (request that comprises a description of the development environment and the software application to be developed where the development environment comprises hardware components and software components) to one or more developers. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

Appellant further asserts that Bowman does not disclose "processing said first request" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 25, lines 31-55 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 4. Appellant respectfully traverses and asserts that Bowman instead discloses that program management focuses on the continuous oversight needed to support the delivery of business capability through multiple projects and releases. Column 25, lines 31-33. There is no language in the cited passage that discloses processing the request that comprises a description of the development environment and the software application to be developed where the development environment comprises hardware components and software components. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

Appellant further asserts that Bowman does not disclose "establishing said development environment upon said processing said first request" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 2, lines 18-21; column 14, line 40 – column 15, line 10 and column 25, line 53 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 4. Appellant respectfully traverses and asserts that Bowman instead discloses that requirements are specified for both a system to be built as well as an implementation strategy to fulfill the requirements. Column 2, lines 19-21. Bowman further discloses that the development environment requires system operations daily and developers require ongoing support in order to use the environment effectively. Column 14, lines 42-44. Bowman further discloses that the project management consists of the mobilize program activity which includes implement initial teamwork environment. Column 25, lines 37-65. There is no language in the cited passages that discloses establishing the development environment upon the processing the request that comprises a description of the development environment and the software application to be

developed where the development environment comprises hardware components and software components. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

Appellant further asserts that Bowman does not disclose "monitoring said development environment asynchronously for violations of conditions established by said control information" as recited in claim 1 and similarly in claims 15, 26 and 37. The Examiner cites column 2, lines 49-53 and column 14, lines 59-67 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 4. Appellant respectfully traverses and asserts that Bowman instead discloses that the system may be tested using tools such as test data management tools, test data manipulation tools, test planning tools, test execution tools, performance management tools, emulation tools, test result comparison tools and test coverage measurement tools. Column 2, lines 49-54. Bowman further discloses that the program management is concerned with the discrepancies that result from the testing process and the management of design problems detected during verification or validation steps throughout the development process. Column 14, lines 59-63. There is no language in the cited passages that discloses monitoring the development environment. Neither is there any language in the cited passages that discloses monitoring the development environment asynchronously. Neither is there any language in the cited passages that discloses monitoring the development environment asynchronously for violations of conditions established by the control information. Thus, Bowman does not disclose all of the limitations of claims 1, 15, 26 and 37, and thus Bowman does not anticipate claims 1, 15, 26 and 37. M.P.E.P. §2131.

2. Claims 2-14, 16-25, 27-36 and 38-47 are not anticipated by Bowman for at least the reasons that claims 1, 15, 26 and 37 are not anticipated by Bowman.

Claims 2-14 depend from claim 1 and hence are not anticipated by Bottom for at least the reasons that claim 1 is not anticipated by Bottom as discussed above in Section A.2. Claims 16-25 depend from claim 15 and hence are not anticipated by Bottom for at least the reasons that claim 15 is not anticipated by Bottom as discussed above in Section A.2. Claims 27-36 depend from claim 26 and hence are not anticipated by Bottom for at least the reasons that claim 26 is not anticipated by Bottom as discussed above in Section A.2. Claims 38-47 depend from claim 37 and hence are not anticipated by Bottom for at least the reasons that claim 37 is not anticipated by Bottom as discussed above in Section A.2.

3. Claims 2, 16, 27 and 38 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "notifying a developer of said violated condition" as recited in claim 2 and similarly in claims 16, 27 and 38. The Examiner cites column 21, line 4 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 5. Appellant respectfully traverses and asserts that Bowman instead discloses that detailed, project-specific standards should exist for defining repository objects. Column 21, lines 1-2. Bowman further discloses that these standards can form the basis for a repository validation program, which can run through the entire repository and report on detected deviations from standards. Column 21, lines 2-5. Hence, Bowman discloses developing standards which can form the basis of a program to report on detected deviations from these standards. However, there is no language in the cited passage that discloses notifying a developer of a violated condition. Thus, Bowman does not disclose all of the limitations of claims 2, 16, 27 and 38, and thus Bowman does not anticipate claims 2, 16, 27 and 38. M.P.E.P. §2131.

4. Claims 3, 17, 28 and 39 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "inserting

information of said violation of said condition in a report; and issuing said report to a customer " as recited in claim 3 and similarly in claims 17, 28 and 39. The Examiner cites column 21, lines 22-30 and column 35, lines 45-47 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, pages 5-6. Appellant respectfully traverses and asserts that Bowman instead discloses that the repository management team performs certain analyses repeatedly. Column 21, lines 22-23. Bowman further discloses that standard analyses such as impact analyses should be specified in detail to facilitate staffing flexibility. Column 21, lines 23-25. Bowman further discloses that when supporting specific kinds of repository analysis, the repository management team can provide custom reports or ad hoc queries that satisfy particular needs. Column 21, lines 26-28. Bowman further discloses that problem tracking improves communication between developers and business representatives, which is particularly helpful in minimizing misunderstandings at later stages of the development cycle. Column 35, lines 45-48. There is no language in the cited passages that discloses inserting information of a violation of a condition in a report. Neither is there any language in the cited passages that discloses issuing the report to a customer. Thus, Bowman does not disclose all of the limitations of claims 3, 17, 28 and 39, and thus Bowman does not anticipate claims 3, 17, 28 and 39. M.P.E.P. §2131.

5. Claims 4, 18, 29 and 40 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "inserting information on a status of said development environment in a report; and issuing said report to a customer" as recited in claim 4 and similarly in claims 18, 29 and 40. The Examiner cites column 46, lines 35-37 and column 56, lines 27-35 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, page 6. Appellant respectfully traverses and asserts that Bowman instead discloses that teamware may be used to share many different types of information, for example, status

reports/meeting minutes; project member availability; and project events and milestones. Column 46, lines 27-37. Bowman further discloses that the ability to easily create various repository reports is important to leverage the information in the repository. Column 56, lines 27-28. Bowman further discloses that a scripting language, a simple report builder or a query tool provides this capability. Column 56, lines 28-30. Bowman further discloses that having a query tool with an intuitive user interface and good report formatting features is a necessity on a large project. Column 56, lines 30-32. Bowman further discloses that the query tool can be used to provide standard reports for designers and programmers, printed design information for external reviews, and ad hoc requests for the repository administrator. Column 56, lines 32-35. There is no language in the cited passages that discloses inserting information on a status of the development environment in a report. Further, there is no language in the cited passages that discloses issuing such a report to a customer. Thus, Bowman does not disclose all of the limitations of claims 4, 18, 29 and 40, and thus Bowman does not anticipate claims 4, 18, 29 and 40. M.P.E.P. §2131.

6. Claims 5, 19, 30 and 41 are not anticipated by Bowman.

Appellant respectfully asserts Bowman does not disclose "wherein said control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment" as recited in claim 5 and similarly in claims 19, 30 and 41. The Examiner cites column 11, lines 6-45 and column 30, line 48 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, pages 6-7. Appellant respectfully traverses and asserts that Bowman instead discloses that the business integration methodology (BIM) provides valuable information on organizational issues. Column 11, lines 6-7. Bowman further discloses that in order to plan and organize the development work appropriately, a service level agreement

must be in place between the service management group and the developers. Column 30, lines 49-52. There is no language in the cited passages that discloses that the control information, where the first request was reviewed in accordance with such control information, includes one or more of the following: a statement of work, a profile of a server implemented in the development environment, a profile of a network component implemented in the development environment and a profile of the development environment. Thus, Bowman does not disclose all of the limitations of claims 5, 19, 30 and 41, and thus Bowman does not anticipate claims 5, 19, 30 and 41. M.P.E.P. §2131.

7. Claims 6, 20, 31 and 42 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions" as recited in claim 6. The Examiner cites column 30, line 48 – column 31, line 18; column 36, line 41; and column 44, lines 10-12 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 7. Appellant respectfully traverses and asserts that Bowman instead discloses that in order to plan and organize the development work appropriately, a service level agreement must be in place between the service management group and the developers. Column 30, lines 49-52. Bowman further discloses that tool support may help enforce standards. Column 36, line 41. Bowman further discloses that the operational readiness test ensures that the application and architecture can be installed and operated in order to meet the service level agreement. Column 44, lines 10-12. There is no language in the cited passages that discloses a statement of work that includes standards for hardware components and software components. Neither is there any language in the cited passages that discloses a statement of work that includes standards for hardware components and software components in a target environment. Neither is there any

language in the cited passages that discloses a statement of work that includes contract conditions. Thus, Bowman does not disclose all of the limitations of claims 6, 20, 31 and 42, and thus Bowman does not anticipate claims 6, 20, 31 and 42. M.P.E.P. §2131.

8. Claims 7, 21, 32 and 43 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said server profile comprises a description of said server implemented in said development environment" as recited in claim 7 and similarly in claims 21, 32 and 43. The Examiner cites column 19, line 14 – column 22, line 28 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 8. Appellant respectfully traverses and asserts that Bowman instead discloses activities of the repository management. Column 19, lines 14-29. There is no language in the cited passage that discloses a server profile that includes a description of the server implemented in the development environment. Thus, Bowman does not disclose all of the limitations of claims 7, 21, 32 and 43, and thus Bowman does not anticipate claims 7, 21, 32 and 43. M.P.E.P. §2131.

9. Claims 8, 22, 33 and 44 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said network component profile comprises a description of said network component implemented in said development environment" as recited in claim 8 and similarly in claims 22, 33 and 44. The Examiner cites column 2, lines 17-21; column 14, line 40 and column 16, line 24 of Bowman as disclosing the above-cited claim limitation. Paper No. 8, page 8. Appellant respectfully traverses and asserts that Bowman instead discloses a system, method and article of manufacture for building systems in a development architecture framework. Column 2, lines 17-19. Bowman further discloses that requirements are specified for both a system to be built and an

implementation strategy to fulfill the requirements. Column 2, lines 19-21. Bowman further discloses an environment management team. Column 14, lines 40-50. Bowman further discloses that the core activity-systems building, depends strongly on support from the surrounding management processes. Column 16, lines 24-26. There is no language in the cited passages that discloses a network component profile that includes a description of a network component implemented in the development environment. Thus, Bowman does not disclose all of the limitations of claims 8, 22, 33 and 44, and thus Bowman does not anticipate claims 8, 22, 33 and 44. M.P.E.P. §2131.

10. Claims 9, 23, 34 and 45 are not anticipated by Bowman.

Appellant respectfully asserts Bowman does not disclose "wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed" as recited in claim 9 and similarly in claims 23, 34 and 45. The Examiner cites column 72, lines 5-26 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, page 9. Appellant respectfully traverses and asserts that Bowman instead discloses that system building tools comprises the core of the development architecture and are used to design, build, and test the system. Column 72, lines 6-8. Bowman further discloses that all the system building tools must be integrated and share development objects appropriately. Column 72, lines 8-9. Bowman further discloses that analysis tools are used to specify the requirements for the system being developed. Column 72, lines 11-12. Bowman further discloses that design tools are used to specify 'how' a system will implement these system requirements. Column 72, lines 15-16. Bowman further discloses that the standard client/server model comprises application logic, presentation, and communication components, which together support the business processes. Column

72, lines 22-24. Bowman further discloses that for a client/server system, each of these components must be individually defined. Column 72, lines 24-25. There is no language in the cited passage that discloses a profile of a development environment that comprises a description of the hardware components and the software components of the development environment. Neither is there any language in the cited passage that discloses a profile of the development environment that comprises a description of the software application to be developed. Thus, Bowman does not disclose all of the limitations of claims 9, 23, 34 and 45, and thus Bowman does not anticipate claims 9, 23, 34 and 45. M.P.E.P. §2131.

11. Claim 10 is not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said processing said first request comprises updating a profile of a server implemented in said development environment, wherein said server profile comprises a description of said server implemented in said development environment" as recited in claim 10. The Examiner cites Figure 4 and column 14, lines 40-58 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, pages 9-10. Appellant respectfully traverses. Bowman instead discloses that Figure 4 illustrates the responsibilities of the environmental management team. Column 14, line 40 – column 15, line 10. Bowman further discloses that just as a business application requires support and system users require service, the development environment requires system operations daily, and developers require ongoing support in order to use the environment effectively. Column 14, lines 41-44. There is no language in the cited passage that discloses that the processing of the first request comprises updating a profile of a server implemented in the development environment. Neither is there any language in the cited passage that discloses that the server profile comprises a description of the server implemented in the development environment. Thus,

Bowman does not disclose all of the limitations of claim 10, and thus Bowman does not anticipate claim 10. M.P.E.P. §2131.

12. Claim 11 is not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said processing said first request comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment" as recited in claim 11. The Examiner cites Figure 4 and column 14, lines 40-58 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, page 10. Appellant respectfully traverses. Bowman instead discloses that Figure 4 illustrates the responsibilities of the environmental management team. Column 14, line 40 – column 15, line 10. Bowman further discloses that just as a business application requires support and system users require service, the development environment requires system operations daily, and developers require ongoing support in order to use the environment effectively. Column 14, lines 41-44. There is no language in the cited passage that discloses that the processing of the first request comprises updating a profile of a network component implemented in the development environment. Neither is there any language in the cited passage that discloses that the network component profile comprises a description of the network component implemented in the development environment. Thus, Bowman does not disclose all of the limitations of claim 11, and thus Bowman does not anticipate claim 11. M.P.E.P. §2131.

13. Claim 12 is not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "wherein said processing said first request comprises updating profile of said development environment, wherein said profile of said development environment comprises a

description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed" as recited in claim 12. The Examiner cites column 11, lines 1-5 and 40-42; column 16, lines 25-38; and column 16, line 51 – column 17, line 20 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, page 11. Appellant respectfully traverses.

Bowman instead discloses that when a new development environment is put in place, the developers need to learn not only how each individual tool works but also how the tools work together to support the organization as it performs well defined processes. Column 11, lines 1-5. Bowman further discloses that together, these teams (various management teams) support the efforts of the system building team, which is charged with the analysis, design, build, and test of the system to be developed. Column 11, lines 40-42. Bowman further discloses that the core activity-systems building, depends strongly on support from the surrounding management processes, which all affect each other. Column 16, lines 25-27. Bowman further discloses that for a given project, each of the processes must be defined at a greater level of detail than that which any methodology can achieve. Column 16, lines 52-54. Bowman further discloses that standards specify what the results should look like and should focus on what must be common, and should not become a goal in themselves. Column 16, lines 57-66.

There is no language in the cited passages that discloses that the processing of the first request includes a development environment that includes hardware components and software components. Neither is there any language in the cited passages that discloses processing a first request that includes updating a profile of such a development environment. Neither is there any language in the cited passages that discloses a profile of such a development environment that includes a description of the hardware components and the software components of such a development

environment. Neither is there any language in the cited passages that discloses a profile of such a development environment that includes a description of a software application to be developed. Thus, Bowman does not disclose all of the limitations of claim 12, and thus Bowman does not anticipate claim 12. M.P.E.P. §2131.

14. Claims 13, 24, 35 and 46 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "receiving a second request, wherein said second request comprises a request to implement a change in said development environment" as recited in claim 13 and similarly in claims 24, 35 and 46. The Examiner cites column 13, line 65 – column 14, line 7 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, pages 11-12. Appellant respectfully traverses and asserts that Bowman instead discloses that the configuration management team is responsible for defining the approach the program takes to deal with scope, change control, version control, and mitigation control, and for putting in place the policies, processes, and procedures required to implement this approach. Column 13, line 66 – column 14, line 3. Bowman further discloses that in other words, the team is responsible for maintaining the integrity of software and critical documents as they evolve through the delivery life cycle from analysis through deployment. Column 14, lines 4-7. There is no language in the cited passage that discloses receiving a second request. Neither is there any language in the cited passage that discloses receiving a second request where the second request includes a request to implement a change in the development environment. Thus, Bowman does not disclose all of the limitations of claims 13, 24, 35 and 46, and thus Bowman does not anticipate claims 13, 24, 35 and 46. M.P.E.P. §2131.

15. Claims 14, 25, 36 and 47 are not anticipated by Bowman.

Appellant respectfully asserts that Bowman does not disclose "receiving a second request, wherein said second request comprises a request to correct a problem

detected in said development environment" as recited in claim 14 and similarly in claims 25, 36 and 47. The Examiner cites column 14, lines 64-67 of Bowman as disclosing the above-cited claim limitations. Paper No. 8, page 12. Appellant respectfully traverses and asserts that Bowman instead discloses that the problem management team is responsible for defining the problem tracking and solution process, and for providing tools and procedures to support the solution process. Column 14, lines 64-67. There is no language in the cited passage that discloses receiving a second request. Neither is there any language in the cited passage that discloses receiving a second request where the second request includes a request to correct a problem detected in the development environment. Thus, Bowman does not disclose all of the limitations of claims 14, 25, 36 and 47, and thus Bowman does not anticipate claims 14, 25, 36 and 47. M.P.E.P. §2131.

VIII. CONCLUSION

For the reasons noted above, the rejections of claims 1-47 are in error. Appellant respectfully requests reversal of the rejections and allowance of claims 1-47.

Respectfully submitted,
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CLAIMS APPENDIX

1. A method for creating and managing a development environment that mimics a target environment where a software application will be implemented comprising the steps of:

receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components;

reviewing said first request in accordance with control information for managing said first request;

assigning said first request to one or more developers;

processing said first request;

establishing said development environment upon said processing said first request; and

monitoring said development environment asynchronously for violations of conditions established by said control information.

2. The method as recited in claim 1 further comprising the steps of:

identifying a violation of a condition; and

notifying a developer of said violated condition.

3. The method as recited in claim 2 further comprising the steps of:

inserting information of said violation of said condition in a report; and

issuing said report to a customer.

4. The method as recited in claim 1 further comprising the steps of:

inserting information on a status of said development environment in a report; and

issuing said report to a customer.

5. The method as recited in claim 1, wherein said control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

6. The method as recited in claim 5, wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

7. The method as recited in claim 5, wherein said server profile comprises a description of said server implemented in said development environment.

8. The method as recited in claim 5, wherein said network component profile comprises a description of said network component implemented in said development environment.

9. The method as recited in claim 5, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

10. The method as recited in claim 1, wherein said processing said first request comprises updating a profile of a server implemented in said development environment, wherein said server profile comprises a description of said server implemented in said development environment.

11. The method as recited in claim 1, wherein said processing said first request

comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment.

12. The method as recited in claim 1, wherein said processing said first request comprises updating profile of said development environment, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

13. The method as recited in claim 1 further comprising the step of:

receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

14. The method as recited in claim 1 further comprising the step of:

receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

15. A computer program product embodied in a machine readable medium for creating and managing a development environment that mimics a target environment where a software application will be implemented comprising the programming steps of:

receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components, wherein said first request is reviewed in accordance with control information for managing said first request, wherein said first request is processed,

wherein upon processing said first request said development environment is established; and

monitoring said development environment asynchronously for violations of conditions established by said control information.

16. The computer program as recited in claim 15 further comprising the programming steps of:

identifying a violation of a condition; and

notifying said a developer of said violated condition.

17. The computer program as recited in claim 16 further comprising the programming steps of:

inserting information of said violation of said condition in a report; and

issuing said report to a customer.

18. The computer program product as recited in claim 15 further comprising the programming steps of:

inserting information on a status of said development environment in a report; and

issuing said report to a customer.

19. The computer program product as recited in claim 15, wherein said control information comprises a statement of work, wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

20. The computer program product as recited in claim 15, wherein said control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network

component implemented in said development environment, and a profile of said development environment.

21. The computer program product as recited in claim 20, wherein said server profile comprises a description of said server implemented in said development environment.

22. The computer program product as recited in claim 20, wherein said network component profile comprises a description of said network component implemented in said development environment.

23. The computer program product as recited in claim 20, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

24. The computer program product as recited in claim 15 further comprising the programming step of:

receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

25. The computer program product as recited in claim 15 further comprising the programming step of:

receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

26. A system, comprising:

a memory unit operable for storing a computer program operable for creating

and managing said development environment that mimics said target environment where said software application will be implemented; and

a processor coupled to said memory unit, wherein said processor, responsive to said computer program, comprises:

circuitry operable for receiving a first request comprising a description of a development environment and a software application to be developed in a target environment, wherein said development environment comprises hardware components and software components, wherein said first request is reviewed in accordance with control information for managing said first request, wherein said first request is processed, wherein upon processing said first request said development environment is established; and

circuitry operable for monitoring said development environment asynchronously for violations of conditions established by said control information.

27. The system as recited in claim 26, wherein said processor further comprises:

circuitry operable for identifying a violation of a condition; and

circuitry operable for notifying a developer of said violated condition.

28. The system as recited in claim 27, wherein said processor further comprises:

circuitry operable for inserting information of said violation of said condition in a report; and

circuitry operable for issuing said report to a customer.

29. The system as recited in claim 26, wherein said processor further comprises:

circuitry operable for inserting information on a status of said development environment in a report; and

circuitry operable for issuing said report to a customer.

30. The system as recited in claim 26, wherein said control information comprises

one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

31. The system as recited in claim 30, wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

32. The system as recited in claim 30, wherein said server profile comprises a description of said server implemented in said development environment.

33. The system as recited in claim 30, wherein said network component profile comprises a description of said network component implemented in said development environment.

34. The system as recited in claim 30, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

35. The system as recited in claim 26, wherein said processor further comprises:

circuitry operable for receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

36. The system as recited in claim 26, wherein said processor further comprises:

circuitry operable for receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

37. A system, comprising:

means for receiving a first request comprising a description of a development environment and a software application to be developed in a target environment, wherein said development environment comprises hardware components and software components, wherein said first request is reviewed in accordance with control information for managing said first request, wherein said first request is processed, wherein upon processing said first request said development environment is established; and

means for monitoring said development environment asynchronously for violations of conditions established by said control information.

38. The system as recited in claim 37, wherein said system further comprises:

means for identifying a violation of a condition; and

means for notifying a developer of said violated condition.

39. The system as recited in claim 38, wherein said system further comprises:

means for inserting information of said violation of said condition in a report; and

means for issuing said report to a customer.

40. The system as recited in claim 37, wherein said system further comprises:

means for inserting information on a status of said development environment in a report; and

means for issuing said report to a customer.

41. The system as recited in claim 37, wherein said control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

42. The system as recited in claim 41, wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

43. The system as recited in claim 41, wherein said server profile comprises a description of said server implemented in said development environment.

44. The system as recited in claim 41, wherein said network component profile comprises a description of said network component implemented in said development environment.

45. The system as recited in claim 41, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

46. The system as recited in claim 37, wherein said system further comprises:

means for receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

47. The system as recited in claim 37, wherein said system further comprises:

means for receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

EVIDENCE APPENDIX

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellant in the Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to the current proceeding.